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**Lincoln the Politician**

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**George Washington in Public  
and Private Life**

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**A D D R E S S E S**

—BY—

JUDGE H. C. McDOUGAL



# Lincoln the Politician.

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Address by Judge H. C. McDougal on Lincoln's Birthday.

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In his speech at the Lincoln birthday celebration at Kansas City, on February 12, 1915, Judge H. C. McDougal paid the following tribute to Abraham Lincoln as a sagacious politician:

## Comrades and Friends:

As one, just one, of the 2,800,000 men who wore the blue during the Civil War, though just past the "three score years and ten" allotted to man by the Psalmist, my pulse quickens in contemplating the fact that in the days of our youth and our glory we made it possible to annually commemorate anywhere in this broad land the birthday of our beloved leader. From that silent, modest commander of the army of the Potomac, who reached the summit of a soldier's fame at Appomattox, down to those who, like myself, served as a private in the rear rank, the man who then wore the uniform of the Union soldier was proud of the fact that throughout his service he leaned with absolute confidence upon the strong arm of the Commander-in-Chief of the Army and Navy of the United States in the person of Abraham Lincoln.

Without exception the world now concedes that in combining the attributes of lawyer and statesman, writer and thinker, philosopher and leader, Abraham Lincoln had neither rival nor peer. But press, people, orators and talkers are alike silent as to another phase of the character of this many sided man, and ignore the fact that from his entry into the public life up to the day of his death, no American played the game political with greater sagacity or more marked success. Lincoln was a pioneer in both thought and action; neither said nor did anything because another had faith in the particular movement; and his sole guide in all public and party matters was the right thing, at the right time and in the right way.

A distinguished American soldier once said that the immortal Washington had degenerated into a mere steel engraving; but the survivor of our war recalls Lincoln as a strong, manly man of flesh and blood, and possessing all the aspirations, hopes and ambitions of the human, and hopes the people will remember him as he was.

The line which marks the difference between the patriot, leader of men and statesman, upon the one hand, and the lofty politician upon the other, may not be clearly defined; but no student of his life and achievements can fail to reach the conclusion that while good and great, Lincoln was also a far-sighted, giant-minded, broad and big practical politician. Let us now consider just two examples in proof of this:

## Vallandigham.

On May 5, 1863, Clement L. Vallandigham, formerly a congressman of Ohio, was arrested, and later tried by a military commission at Cincinnati, found guilty of treasonable utterances against the government

and sentenced to "close confinement in some fortress of the United States" to be designated by Gen. Burnside, then commanding that Military Department. This part of the sentence was commuted by President Lincoln to banishment to and within the lines of the Confederacy until the close of the war. But when so banished, to the Southern Soldiers, Vallandigham again protested against his sentence, insisted that he was a citizen of Ohio and of the United States, and asked that he be received as a prisoner. This talk upon his part did not appeal to the South, and later President Jefferson Davis ordered Gen. Bragg to deport him as an "alien enemy," and that order was obeyed. So Vallandigham ultimately left the Confederacy and made his way to Canada.

The great Union victories culminated at Gettysburg and at Vicksburg on July 4, 1863, and in the year following Lincoln was a candidate for renomination and re-election, while Vallandigham was still in exile, and then located at Windsor, Canada. Lincoln knew that the exile greatly desired to return to the United States; that he yearned for vindication and believed that the war for the Union was a failure; and upon his part Lincoln believed that once on his native heath, this great Democrat would openly and ably expound his personal and political views, if and when opportunity offered. Lincoln also knew the loyal sentiments of the people who were not in rebellion, and as a trained politician foresaw that the return and public speeches of Vallandigham would hurt the Democratic party and help the Republican party. While he was in exile, in Canada, the Democratic party of Ohio unanimously nominated Vallandigham for Governor of that state on June 11, 1863; he accepted at Niagara Falls on June 15th, and later from Windsor directed and controlled the campaign of his party in his state for that year. The amount of repeating at the polls both by civilians at home and soldiers in the camp, at the Ohio election in 1863, may be approximated from the fact that although Vallandigham then had about 100,000 more votes than his party had ever received theretofore, yet he was defeated for Governor by John Brough by over 103,000 majority.

About the middle of June, 1864, Vallandigham left his Canadian exile home and returned thence direct to Hamilton, Ohio, in his old Congressional district, but there are these two conflicting stories as to HOW he returned:

In inner military and Republican circles it was then currently reported and generally believed, as it was for many years after the war closed, that under the personal orders and at the special direction of Lincoln, trusted secret service men acting for the government and under immediate command of the late Major Allen Blacker, met at Windsor, Canada, and secretly escorted Vallandigham direct from that point to Hamilton, Ohio, where the Democratic Convention was in actual session in his old Congressional district for the purpose of sending delegates to the Democratic National Convention in Chicago, and there from a closed carriage flashed that great idol and orator upon the platform of the convention. Dramatic, and maybe true.

Another version of his return, however, was often told by Vallandigham himself, between the date of his homecoming in 1864 and his tragic death on June 17, 1871, and in substance was this:

That he reasoned the problem out for himself, and that without the knowledge or consent of the Washington administration, or any promised immunity, he determined that the Government would not renew

his prosecution, and that it would be safe for him to return to his old home in time to attend the Democratic State convention, as he greatly desired to be sent as a delegate to the Chicago convention. Hence he always claimed that he left his exile home at night and in disguise; crossed the river in a small boat from Windsor, Canada, to Detroit, Michigan, and went alone from Detroit direct to Hamilton, Ohio, by railroad. Upon his arrival at Hamilton a former friend named Phillips, alienated by the bitterness of the war, at once wired the President "Vallandigham is back. What shall we do with him?", and to this inquiry Lincoln gave this laconic telegraphic answer: "LET HIM ALONE." This wise action upon his part shows the workings of the brain of that great, masterful leader of men. But however uncertain it may be as to whether Lincoln had him brought back, or he came of his own accord, yet as a matter of history it is certain that Vallandigham appeared suddenly and unexpectedly upon the platform of that Convention in actual session on June 15, 1864; that among both delegates and spectators this dramatic personal appearance of their old neighbor, friend and leader, swept through that vast assemblage like a wave of electricity and created the wildest enthusiasm, and that upon the instant he answered their expected demand for a speech. The pent up fires of his political banishment for more than a year, at once found expression in a blaze of brilliant, impassioned and superb oratory, and the rarely gifted speaker entranced his enthusiastic hearers and won both their heads and hearts. The result of all this was that by their unanimous vote, Vallandigham was then sent by his party in Ohio as a delegate to the Democratic National Convention at Chicago. When the Hamilton Convention adjourned, with a large party of his personal and political friends, Vallandigham went by rail from Hamilton direct to his home at Dayton, Ohio, where another ovation was given him, and he was never again molested.

At the Democratic National Convention held at Chicago in 1864, the attention given and honors accorded to Vallandigham were not less marked than had those been in his home State. He was made chairman of the Committee on resolutions and there drew, reported and caused to be adopted, the platform of his party against the further prosecution of the war, and urging immediate peace; and also caused the Convention to adopt a ringing resolution vindicating his own course.

The President had correctly estimated the temper of the people, and the wisdom of his policy in so treating Vallandigham was later made apparent to the world, for the result of the election in November, 1864, was the utter repudiation at the polls of the party and policies for which Vallandigham stood, and the triumphant re-election of Abraham Lincoln. The verdict of history was well stated by Holland to be that Vallandigham "did more than any other man to destroy the prospects of the Democratic party."

#### **Emancipation Proclamation.**

The only other act of Lincoln, showing him a far-seeing politician, to which attention is now called, may be found in the many exceptions by him written into the Emancipation Proclamation, dated January 1, 1863. In this immortal document, "as a fit and necessary war measure," warranted "upon military necessity," Lincoln proclaimed all slaves FREE upon that day, within those States and parts of States then in "rebellion against

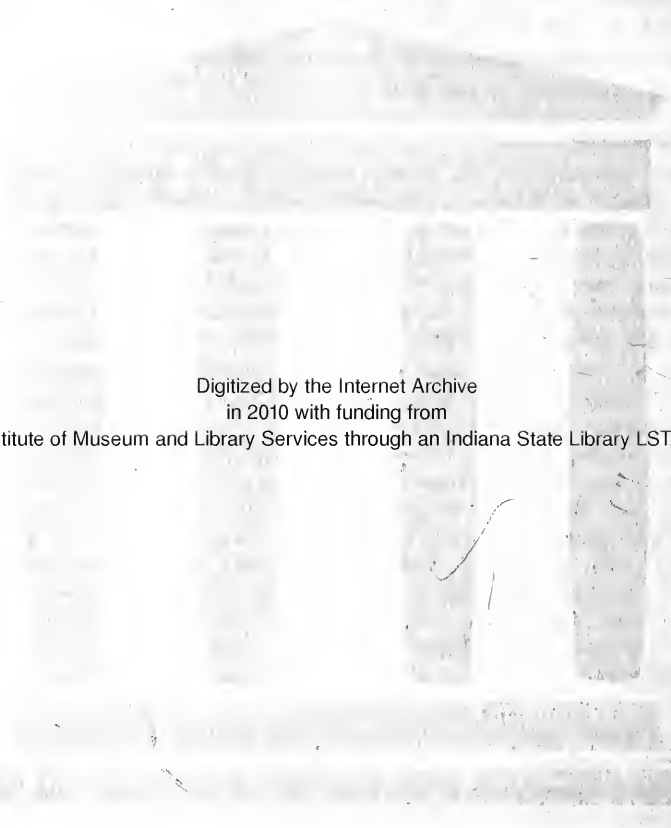
the United States," and as to those within the excepted parts he therein declared that the negro slaves were "for the present, left precisely as if this proclamation were not issued." In no direct way did this proclamation affect the legal status of any slave in the border slave states of Missouri, Delaware, Maryland, Kentucky and Tennessee, nor did it affect the slaves in certain designated parts of Louisiana and Virginia, including that part which is now West Virginia. Why were these exceptions then made? As an able and trained lawyer, Lincoln knew that he had no lawful right, as either President or Commander-in-Chief, to free a single negro slave anywhere; knew and had declared that his paramount object was "to save the Union and not either to save or destroy slavery," knew that the policy of President and Congress then was that the Government of the United States should pay for all slaves if and when freed; knew that the States and parts of States then excepted were at the time represented in the Congress of the United States by both Senators and Members of the Lower House, the vast majority of whom were earnestly and effectively supporting his war policies; and he in turn earnestly desired the continued and affirmative support of all such representatives of those people. He knew further that such representatives, as well as the people who lived or owned slaves within the excepted territory, expected and relied upon him to see to it that this policy be carried out and the slaves to be freed should be paid for by the Government, and that they would probably turn against him if the party in power failed in this policy. Born and reared among the slaves of Virginia and there enlisting in the Union army in 1861, I located in Missouri at the close of the War and by personal association had become familiar with the public sentiment in the Virginias, in Maryland, Kentucky and Missouri, and I know that it was then believed in all those states that the Government would still carry out Lincoln's policy and pay at least loyal owners for all their slaves freed as the result of War. Many soldiers in my own regiment, as well as in other Union commands from border slave states, owned negro slaves when our war began; but when near two years' fighting had demonstrated the fact that either slavery or the Union must go, all cheerfully gave up their slave property, for the reason that they loved the Union more than slavery! It was in view of these then familiar facts, in consideration of these reasons, and to bind more closely to his administration the border slave states that Lincoln then made these exceptions. Had lawful authority been vested in him to free any slave, then he might have exercised such authority to free all slaves. But knowing he had no such legal authority, he not only did not attempt to exercise it, but on the contrary, in that proclamation expressly says, "by virtue of the POWER in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States." Recognizing the fact that he had no lawful authority, he knew, as did the world, that he did have the POWER, as the head of our Army and Navy, to issue that proclamation as "a fit and necessary war measure" warranted "upon military necessity." Had he then gone further and proclaimed freedom to all slaves, those within the border as well as those in the States then in actual rebellion, no one would have questioned his power to do so. With him the question of public and party policy as to this was simply and only one of power,

and he then exercised that power down south, but not upon the border. It may well be noted in parenthesis, that for the exercise of this military power, Lincoln then had the high and mighty precedent set by General Andrew Jackson as Commander-in-Chief of our Southern Military District, just after his victory at New Orleans on January 8, 1815, when Jackson freed the negro slaves who with the pirate Lafitte had helped him win that historic battle over the British. Jackson and Lincoln alike had the power and exercised it, and the act of each alike closed the incident. The apparent reason for Lincoln's discrimination and the one oftenest given by orators, press and people, is that the parts so excepted were not then in actual rebellion. But it is certain that for this discrimination, there then was these stronger, deeper, political reasons. The people within the excepted territory and their representatives at Washington were alike earnestly supporting the administration and profoundly interested in the political success and destinies of the war party; and Lincoln knew that whether they were right or wrong, neither he nor his party could ignore their viewpoint.

Do not forget that Lincoln was born in the slave State of Kentucky; that he knew master and slave, as well as human rights; that as a sagacious and far-sighted political leader he kept his ear to the ground, his fingers on the public pulse, as did no other man of his day; that with all his humility, he was still human, a party man; and you will reach the conclusion that in so framing this proclamation, Lincoln did that which was best for himself and his political party, as well as for the country. Lincoln abhorred slavery; but he then knew that the hour had come when either the Union or slavery must perish. Constitutional and lawful freedom, however, did not come to all slaves until the adoption of the 13th amendment to the Federal Constitution, proclaimed on December 18, 1865; but apart from the right or wrong of human slavery, with neither Lincoln, nor the great majority of his party, was the freedom of slaves in the States then in actual rebellion, a mere matter of lawful right or of sentiment, but a necessary, incident, or as he put it, "a fit and necessary war measure," to suppress a mighty rebellion.

The people now concur in the belief that the freedom of negro slaves was a blessing to all; and after the lapse of half a century, they are now waking up to the fact that the greater good was then done to the whites of southland.

It is true that a mere handful of extreme abolitionists, regardless of constitutions or laws, demanded that the President strike down slavery as soon as he and his party came into power. But combining the attributes of politician, patriot, lawyer and statesman, Lincoln was far the wiser. He knew that he must keep his oath of office and that human slavery was then lawful; knew that to abolish slavery in 1861 would not only result in grounding the arms of every regiment from the border slave states; but drive from him and his party the leading men of such border states, both in and out of Congress, and with these facts all in his great mind, he wisely and patiently waited, and finally acted at the right time and in the right way for the highest and best interests of the whole country.



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# George Washington in Public and Private Life.

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Annual Address by Judge H. C. McDougal on Washington's Birthday.

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At the annual banquet given at the Hotel Baltimore by the Kansas City School of Law in honor of the memory of George Washington on February 22, 1915, Judge H. C. McDougal, as the guest of honor, delivered the following annual address:

**Mr. Toastmaster:**

After listening to the clear, forceful and eloquent speeches of Senator James A. Reed and others who have preceded me, and knowing that I shall be followed by my friend, Judge John F. Philips, who never fails to both instruct and entertain, as well as by your President, O. H. Dean, and perhaps other wise and thoughtful men, nothing would now please me so well as to omit this annual address and resume my seat at this banquet as a mere listener rather than a talker.

But the fall of man was induced by yielding to temptation, and when President Dean and Elmer N. Powell came to me the other day, their eulogistic appeal flattered my vanity to such an extent that I finally consented to say a few words tonight about the public and private life of the immortal Washington. No doubt this request was made stronger upon their part by reason of the fact both Dean and Powell know Washington and I were born and reared not far apart in the Old Dominion; but they err in assuming that both played upon the same stage at the same time and in the same act, and that I know personally all about Washington. Here and now I must disclaim the honor of such association, and wish it distinctly understood that I appeared upon the scene some years after the retirement of the Father of his Country.

From many long talks with men and women who knew George Washington personally, as well as from somewhat careful studies on the ground, I know much of the public and private sayings and doings of our first President, yet brothers Dean and Powell place me in this very embarrassing situation: In a talk about the public career of this wise and patriotic leader in both war and peace, nothing new can now be said; while not one of you would believe the truth relating only to the private life, the human side, of this sandy-haired, red-blooded, manly man.

Away back in early Colonial days, however, my maternal ancestors located in Fairfax county, Virginia, and one of the distinctions of our family grows out of the fact that in that county in the year 1760, George Washington and one of these ancestors, bearing the name of Robert Boggess, were jointly indicted by the Grand Jury of Fairfax county for failing to include for taxation in their respective assess-

ment lists, their pleasure carriages, upon the court record still extant at Fairfax Court House, designated as their "Wheeled Vehickles."

This indicates that George and Robert, as two of the pleasure-loving, fox-hunting, cock-fighting, toddy-drinking Virginia gentlemen of the wealthier class, were as averse to paying all their taxes then as are some of our well-to-do patriots of today.

To the everlasting honor of Washington, let me again record the fact that from the day he commenced the survey of the historic Fairfax Grant of 5,700,000 acres of land when a boy of but 16, up to the day of his death in 1799, George Washington was faithful to every public trust, and whether we now recall his memory as the youthful Virginia Colonel at Braddock's defeat in 1755, or as the Commander-in-Chief of the Continental Army throughout the Revolutionary War, or as the eight years' President of the United States, or as the public spirited private citizen, we must recall him as the intellectual giant that he was, his great brain and willing hands ever at work upon some plan or scheme to uplift and upbuild humanity, and especially to brighten and better material conditions in his own country.

A few years back I wrote up some historical and other facts picked up in rather a busy life, for the private use of those who survive me, but later and beyond the original plan, these sketches were published under the title of "RECOLLECTIONS," and to here lessen my labors, I employ several extracts from that book.

In directing your attention tonight to just one of Washington's many wise plans, the details of which were not all worked out until the completion of the Baltimore and Ohio railroad (more than half a century after his great brain grew cold), I quote this interesting fact:

"One of the many schemes of George Washington was to join the Atlantic Ocean to the Gulf of Mexico by dredging rivers, with locks, dams and canals on the Potomac, the Youghiogheny, and the Monongahela, to the Ohio River. This was then known as "the Potomac scheme," and on its realization the great Washington worked, studied and planned for many long years. So it came about that this great railroad had its origin in the fertile brain of the Father of his Country, and when the tracks of the B. & O. Railroad were closed at Rosby's Rock in 1852, his dream came true; not in the way he hoped and wrought, for he dreamed of waterway transportation, while the builders of that road attained the same result by the more modern method of connecting the waters of the Atlantic and the Gulf by a steam railroad." (Recollections, page 242.)

When the war of the Revolution began, all that vast empire lying westward of Staunton, Virginia, was designated as the "District of West Augusta." In this section of the old commonwealth was born and reared our late beloved friend, John McDowell Trimble, as well as myself, and it was of our Scottish peoples there that in the dark days of 1777 Washington said: "Leave me but a banner to plant upon the mountains of West Augusta, and I will there gather around me the men who will lift our bleeding country from the dust and set her free." A loftier tribute was never paid to the patriotic fighters of the mountains.

My grandfather, Henry Boggess, was a native of Fairfax county, born and brought up within the sound of the roar of the Great Falls of the Potomac, near Mount Vernon, and when this venerable man died at the advanced age of 98, he had for years been the only man I knew who personally knew and had attended the funeral of the great Wash-

ington. From him and from other neighbors and friends of our illustrious first citizen, in youth and in early manhood I gathered many historic facts, now fast drifting out of sight. The following quotation from the book heretofore mentioned, will show you this other achievement of which any American may well feel proud:

"When I was a boy, as well as later, grandfather often told me of the mill at the Falls of the Potomac and the canal and its locks constructed around these Falls in 1785 under the personal direction of George Washington.

In the old days I had visited on the Maryland side of the Falls by way of the old canal, but lately there has been established a trolley on the Virginia side of this river. Two years ago, I took this trolley, and hard by the Falls had no difficulty in locating the site and the ruins of General Washington's old mill, his canal, the old Dickey mansion, and the ruins of the Boggess ancestral home. But curiously strange to me, no one thereabout could tell me about George's canal locks, nor much else concerning the Colonial history of the place. From repeated statements of facts known only to the olden-timers, however, the solid stone masonry of the old locks around the Falls were at last found just as the Father of his Country built them over one hundred and twenty years before, and civil engineers now say that no architect, engineer, or builder could today do a better job." (*Recollections*, pp. 290-291.)

By way of laying before you the care, caution and conservation of our subject, attention is now directed to this fact, not generally known to writers and historians: James Rumsey of Shepherdstown in (now) West Virginia, was the first man of earth to advocate the use of steam instead of wind in propelling a vessel upon the water; and to him is due the honor of building and operating on the Potomac river between Shepherdstown, Va., and Cumberland, Md., the first steamboat in the world. Of this crude invention, on March 15, 1785, George Washington wrote: "I chose previously to see the actual performance of the model on a descending stream before I passed my certificate, and **having done so**, all my doubts were satisfied." Later on, Rumsey carried his invention to England, there built another steamboat which was tested on the river Thames, but while explaining its principles to the Society of Arts in London, on December 20, 1792, suddenly sickened and died, and his honors are accorded to others.

When you, young men, now so justly proud of your mental and physical ability to say and do things, shall have attained the tender age of "three score years and ten" as I have, you will understand why and how it comes easier to employ an apt quotation than to make corns on your brain in saying something wholly new. Hence I know you will pardon me for again quoting from the book already referred to:

"In 1866 I spent a day near the Great Falls of the Potomac with my grandfather's old neighbor—a Mr. Kankey, who was then ninety-eight years old, and had known personally all the historic men of the Revolution in Virginia. As we sat there in the sunshine of his home in the hills that spring day, I asked this venerable man many questions concerning these patriots of old, and especially of Washington, Jefferson and Madison, and with his chin on his cane the old man answered me fully and freely. For Washington was a far-sighted patriot and statesman, Mr. Kankey had the most profound respect; but of him as a neighbor and citizen, from Kankey I then came in possession of many facts not down in any history. The truth is that in private life George was not exactly a saint among those who knew him well, and this accounts for the fact

that no history of Washington the man ever has been published, and never will be.

Mr. Kankey had no high opinion of Thomas Jefferson as a statesman; but gave him credit for being 'powerful with the pen' when anyone else gave him an idea, while his estimate of Jefferson the lawyer was another thing. Indeed, he then unconsciously paid to Jefferson the highest compliment I have yet heard bestowed upon any lawyer. In answer to my direct question, Mr. Kankey then said: 'No, I can't say I know a great deal about Thomas Jefferson as a lawyer; I have heard him try a lot of cases; I have been on juries and heard and seen him in trials, but he never exerted himself, nor made a big set speech; he didn't have to, for he was always on the right side.' Mr. Kankey held in unbounded esteem the character and achievements of Madison, as well as many other public characters of his native state, and was still blessed with excellent health and a great memory. In then listening to his great talk, I caught a glimpse of the men and times of the long past. But it is probable that Mr. Kankey drew his political prejudices from that faction of our earlier patriots who followed the national policies of Washington and Marshall, rather than the State supremacy theories of Jefferson; for throughout our country, and especially in Virginia, the student still finds strong traces of these two schools of American politics." (Recollections, pp. 293-294.)

Those of you who still love the spice of life, may regret that I do not go further, as the newspapers have announced, and here detail some of the facts concerning George Washington, the man. But George has slept in his honored tomb for over a century now; no one now considers, writes or talks of his human weaknesses, and to you young lawyers, I submit this proposition: Has not the Statute of Limitations—always one of repose—now barred all inquiry into this branch of the subject? I think so, and for these reasons: The Creator made men and women and endowed them with all the attributes of the human, and while their conduct may be curbed and regulated by the laws and customs of mankind, yet, like the laws of the Medes and the Persians, the natural longings and the human tendencies of mankind, cannot be changed by any earthly power. From the very dawn of time down to the present day, the men who have said and done great things, in a great way, have been and are simply and only human. No one is great because of his human shortcomings, but in spite of them. There is not a man among you, if indeed there be one person now on earth, who would consent to have his every act, deed and thought written out in letters of living light and placarded for the inspection of a curious world.

You will readily recall the case, reported in the first book of the law, wherein a "woman was taken in adultery, in the very act," and accused thereof before the Master. For this offense her accusers then demanded that she be stoned, as commanded by the Mosaic law. But with his usual charity and conservatism, the gentle Nazarene first heard the complaint, and then addressing himself to her accusers simply said: "He that is without sin among you, let him first cast a stone at her." Not a hand was raised, the guilty accusers clamored no longer for the blood of this frail woman, and quietly left the temple, while she went free!

So it occurs to me that instead of digging into graves and records of the dead past, it would be far better to follow the wise and humane policy of the Nazarene, throw the broad mantle of charity over the

frailties and weaknesses of our kind, and to erring mortals simply say, as He did to this woman: "Go, and sin no more."

A distinguished American soldier and lawyer once said that George Washington "had degenerated into a mere steel engraving"; and while this may be true in a way, yet the human conduct of Washington and many of the great ones of earth, lend color to the philosopher's belief that man's "sins will keep pace with the size of his brain."

For countless ages, the world has deified and idealized its dead, and to say tonight that in private life Washington sometimes gave way to the frailties of nature, is but to admit that he was a MAN—a human. In contrasting his lofty public life with his private career the sentiment of the American should now be: Let his few faults be writ in water, and his many virtues upon tablets of enduring brass.

Mr. Toastmaster, I trust this personal reference will be pardoned: At the celebration of Abraham Lincoln's birthday, in this city and only the other night, I delivered an address on "Lincoln, the Politician." In support of my contention that he was the foremost political leader of his day, I then dwelt upon but these two instances—Lincoln's wise and humane treatment of the questions raised by the return of Clement L. Vallandigham from exile in 1864; and the many exceptions which he wrote into his Emancipation Proclamation. For me, it seems most natural that in many respects I should love the memory of Lincoln more than that of Washington, for I was one of Lincoln's soldier boys back in the days of our Big War and for over three years proudly followed the flag of Washington, and obeyed the commands of that sad-faced, honest, guileless, yet wise and patriotic leader, who was then the constitutional Commander-in-Chief of the army and navy of the United States.

Still revering and cherishing the memory of both Washington and Lincoln, I would not have either now considered "a mere steel engraving," but rather that the one be recalled as the maker, the other as the saver of our beloved country; each in his turn an active, forceful power for good; and that their achievements be perpetuated in the hearts of Americans as living and breathing, positive and patriotic, wise and sagacious men of flesh and blood. In closing, I now propose this sentiment: Honor to the memory, peace to the ashes, rest to the souls of George Washington and Abraham Lincoln.









